



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF PLUMBING & HVACR EXAMINERS
MEETING DATE AND TIME:	Tuesday, March 8, 2011 8:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon
MINUTES APPROVED:	April 12, 2011

MEMBERS PRESENT

Robert Briccotto, Jr., Professional Member, President
Dean Sherman, Professional Member, Vice President
Carol Guilbert, Public Member, Secretary
Jerome Todd, Professional Member
Frank Beebe, Professional Member
Gerard Pepeta, Professional Member
James Anderson, Public Member
John Brady, Public Member

MEMBERS ABSENT

Christopher Preston, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Jennifer Witte, Administrative Specialist II
Danny Stevenson, Deputy Attorney General
Stacey Stewart, Deputy Attorney General
Samuel Nickerson, Investigative Supervisor
Paul Eihinger, Investigator
Juli LaBadia, Court Reporter

OTHERS PRESENT

Chuck Davidson

John Behornar
Brian Cochran
Harriett Williams
Richard VanSant
Robert Smith

CALL TO ORDER

Mr. Briccotto called the meeting to order at 8:41 a.m.

REVIEW OF MINUTES

A motion was made by Ms. Guilbert, seconded by Mr. Anderson to approve the February 8, 2011 meeting minutes as presented. The motion was unanimously carried.

UNFINISHED BUSINESS

Disciplinary Hearings

Richard VanSant Hearing

The hearing was called to order at 9:15 a.m.

Mr. Stevenson stated that the purpose of the disciplinary hearing was due to a complaint filed by the State Attorney General against the Respondent for negligent work performed under his license.

The Board members were introduced.

The State's attorney, Ms. Stewart, was introduced.

Ms. Stewart stated that four documents will be marked as State's Exhibit 1, a letter dated July 12, 2007 from Ms. Williams, Exhibit 2 letter dated August 20, 2007 from Mr. VanSant to the Division of Professional Regulation, Exhibit 3, an invoice, and Exhibit 4 a written statement from Sobieski Mechanical.

Ms. Stewart gave opening remarks.

Mr. VanSant was sworn in.

Ms. Stewart called her first witness, Harriett Williams.

Ms. Williams was sworn in and gave testimony that she hired Mr. Kim, an employee of R.L. VanSant Plumbing, Inc. who came highly recommended by the builder, to install a gas stove in her new residence. Ms. Williams gave an account of the installation performed and stated that when neighbors visited her residence they noticed a strong gas smell permeating from the residence. She contacted the gas company and the representative found very high levels of gas coming from behind the stove due to a negligent installation of the stove. Ms. Williams contacted Sobieski Plumbing to correct the problem.

Mr. VanSant answered questions by the Board.

Mr. Nickerson, Investigations Supervisor, was sworn in and gave testimony concerning the investigation by the Division. He testified that Mr. VanSant admitted that he knew that Mr. Kim, Dennis Davis, and William VanSant, all employees of R.L. VanSant Plumbing, Inc., were not licensed and that he was not present for the job installation.

The State rested.

Mr. VanSant was sworn in and gave testimony that he was not there to defend Mr. Kim, and agreed that Ms. Williams was overcharged for the job. He also stated that all of his employees are either licensed electricians or Journeymen, and that at the time the job was done he was not present. He stated he is appalled by what happened, has a new company and is at the mercy of the Board.

Mr. VanSant answered questions by the Board.

Ms. Stewart gave her closing statement and asked that the Board issue and letter of reprimand and impose a fine.

The hearing went off record and into deliberations.

The hearing went back on record at 10:39 a.m.

A motion was made by Mr. Brady, seconded by Ms. Guilbert, to impose a \$200.00 fine, issue a letter of reprimand and one-year probation. The motion was unanimously carried.

The hearing adjourned at 10:41 a.m.

Verbatim testimony was taken by a court reporter.

Patrick Blanch Hearing

The hearing was called to order at 11:00 a.m.

Mr. Stevenson stated that the purpose of the disciplinary hearing was due to the Respondent filing for inspection permits for work that he did not perform.

The Board members were introduced.

Mr. Blanch was not present for the hearing.

Ms. Stewart introduced herself and waived an opening statement.

Ms. Witte was sworn in as the State's first witness and testified that a hearing notice was sent and returned by the United States postal service as "unclaimed" after two attempts to deliver.

Mr. Eihinger, Division Investigator, was sworn in as the State's second witness and testified that after the complaint was received, he interviewed Mr. Blanch who admitted that he was licensed and had signed off on work not completed by Broomall & Son's.

Mr. Eihinger answered questions from the Board.

Ms. Stewart made her closing statement and asked that the Board impose a letter of reprimand, and that any fines or further sanctions be the Board's decision.

The hearing went off record and into deliberations.

The hearing went back on record at 11:18 a.m.

A motion was made by Mr. Brady, seconded by Ms. Guilbert, to suspend the Master Plumber license indefinitely until Mr. Blanch comes before the Board for a hearing to explain his actions and to impose a fine of \$500.00. The motion was unanimously carried.

The hearing adjourned at 11:18 a.m.

Verbatim testimony was taken by a court reporter.

Final Denial Applications

A notice was sent to Gary DiCiasare and James Lister informing them that the Board had proposed to deny their applications. No additional documentation or request for hearing was received.

A motion was made by Mr. Sherman, seconded by Mr. Todd, to deny the applications of Gary DiCiasare and James Lister. The motion was unanimously carried.

NEW BUSINESS

Review of Exam Results

The Board reviewed the examination results, which showed that out of five candidates, all received a passing score: Plumbing-Marc Bathon, Patrick Cunningham, Glenn Martin, Ralph Rogers, and Kevin McCullough.

Review of Examination Applications

A motion was made by Mr. Sherman, seconded by Ms. Guilbert, to approve the examination applications of Alfred Spevak, Joel Schrock, and Jerry Schrock. The motion was unanimously carried.

A motion was made by Mr. Sherman, seconded by Ms. Guilbert, to deny the application of Melvin Stoltzfus due to lack of experience under supervision of a master licensee. The motion was unanimously carried.

Review of Reciprocity Applications

This was added to the agenda in error.

Complaint Status

34-02-07-Assigned
34-01-09-Forwarded to Office of Attorney General
34-02-09-Forwarded to Office of Attorney General
34-13-09-Forwarded to Office of Attorney General
34-15-09-Forwarded to Office of Attorney General
34-01-10-Forwarded to Office of Attorney General
34-02-10-Assigned
34-03-10-Assigned
34-04-10-Assigned
34-06-10-Assigned
34-08-10-Assigned
34-09-10-Assigned
34-01-11-Assigned

Ratification of Applications

A motion was made by Mr. Sherman, seconded by Ms. Guilbert, to approve the ratified applications of Gerald Romandino, Gerald Anders, David Eggleton, and Alan Givens. The motion was unanimously carried.

Ratification of HVACR Applications

A motion was made by Mr. Brady, seconded by Mr. Anderson, to approve the ratified New Castle County applications of Christopher DeLar, Charles Crispin, Robert Shields, Christopher Wilson, Thomas Minio, Albert Antonio, Keith Masciantonio, Robert Turner, and Martin Drumheller. The motion was unanimously carried.

Ratification of Application

A motion was made by Mr. Sherman, seconded by Ms. Guilbert, to approve the ratified the reciprocity application of Darrell Smith. The motion was unanimously carried.

Discussion of International Mechanical Code and International Fuel Codes

Mr. Briccotto requested that the Board review the copy of Article 6 of the Mechanical Code and table the discussion until the April meeting.

Applications to be Reviewed by Danny Stevenson, DAG

After being reviewed by the Board's DAG, a motion was made by Mr. Todd, seconded by Mr. Beebe, to deny the reciprocity application of Joseph Kraft since his criminal report shows crimes that are on the Board list that would prevent licensure. The motion was unanimously carried.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

There was no other business before the Board.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on **Tuesday, April 6, 2011** at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

A motion was made by Mr. Beebe, seconded by Mr. Pepeta, to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 11:22 a.m.

Respectfully submitted,

Jennifer Witte
Administrative Specialist II